

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X
KEVIN CONNORS, JAMES CUIFFO, ARTHUR
FITZPATRICK, WILLIAM MIRANDA, JOSEPH CANGELERI
and BARRY KILPATRICK,

14-cv-2537 (SAS)

Plaintiffs,

SCHEDULING ORDER

-against-

JOSEPH J. NIGRO, in his capacity as General President of
SHEET METAL, AIR, RAIL AND TRANSPORTATION
WORKERS; ROBERT DIORIO, in his capacity as International
Trustee of LOCAL UNION NO. 28 OF SHEET METAL, AIR,
RAIL AND TRANSPORTATION WORKERS; and SHEET
METAL, AIR, RAIL AND TRANSPORTATION WORKERS,

Defendants.

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DATE FILED: 7/21/14

SHIRA A. SCHEINDLIN, U.S.D.J.

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) (the "Order"); and

WHEREAS the Order requires that the parties jointly prepare and sign a proposed Scheduling Order containing certain information;

NOW THEREFORE, the parties submit the following information as required in the Order:

1. Date of Conference: July 21, 2014

Appearances:

Plaintiffs' Counsel: Daniel Clifton
Lewis, Clifton & Nicolaidis, P.C.

Defendants' Counsel: Robert Stulberg
Broach & Stulberg, LLP

2. Date by which automatic disclosures will be exchanged: August 4, 2014

3. Statement of Issues

Plaintiff union members seek to enjoin a trusteeship imposed on their local union by the International Association of Sheet Metal, Air Rail and Transportation Workers (the "International") in November 2013. The issues as they currently appear to Plaintiffs are: (1) whether the trusteeship was established in good faith for a purpose allowable under Section 302 of the Labor-Management Reporting and Disclosure Act; (2) whether the trusteeship was established in conformity with procedural requirements of the International Constitution; and (3) whether the International's supervision of the local union during the 18-month period preceding the trusteeship effectively constituted a trusteeship rendering the November 2013 trusteeship presumptively invalid.

Defendants deny that the trusteeship was imposed in bad faith, deny that the International failed to follow any procedural requirements for establishing the trusteeship, and deny that the International's relationship with the local union during the period immediately preceding the trusteeship constituted a trusteeship or rendered the present trusteeship presumptively invalid.

4. Schedule for Discovery, Motions, and Pre-trial Order

a. Depositions

Plaintiffs' Depositions: Joseph Nigro, Robert DiOrio, Marc Norberg, Ronald Whatley, and Brad Plueger. Plaintiffs reserve the right to schedule additional depositions.

Defendants' Depositions: Kevin Connors, James Cuffo. Defendants reserve the right to schedule additional depositions. Defendants anticipate as many as 3-4 additional depositions, the subjects of which will be disclosed during the course of written discovery. Such additional depositions may include one or more of the other plaintiffs in this action.

b. Production of Documents

Document Requests to be served by September 8, 2014.

Responses to Document Requests to be served by October 13, 2014.

Disputes concerning Document Requests to be resolved by October 31, 2014.

c. Experts' reports

Neither plaintiffs nor defendants anticipate expert testimony.

d. Discovery to be completed by December 31, 2014.

e. Dates for Dispositive Motions

Summary Judgment motions to be filed by February 15, 2015.

Responding papers to be filed by March 18, 2015.

Reply papers to be filed by April 1, 2015.

f. If the case is not disposed of on summary judgment, Plaintiffs will supply their pre-trial order matters to defendants within 30 days after a decision on the summary judgment motion is issued.

g. If the case is not disposed of on summary judgment, the parties will submit a pre-trial order in a form conforming to the Court's instructions together with trial briefs and proposed findings of fact and conclusions of law within 30 days after submission of plaintiffs' pre-trial order matters.

h. Date for a final pre-trial conference: JAN 12 at 9:30.

5. The parties are presently unaware of any limitations to be placed on discovery.
6. The parties are presently unaware of any discovery issues, but should such issues arise, the parties will endeavor to resolve them without seeking the intervention of the Court.
7. Anticipated fields of expert testimony: Not applicable.
8. Plaintiffs withdraw their demand for a jury trial. This case will be tried to the court. The parties anticipate the length of any trial to be seven (7) days.
9. This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

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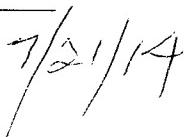
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SO ORDERED


SHIRA A. SCHEINDLIN, U.S.D.J.


7/21/14